

AMENDMENTS TO THE DRAWINGS

Drawing corrections are attached hereto. Applicants respectfully submit a replacement sheet of Figs. 1 and 2, labeling Fig. 1 as "Prior Art" as requested by the Examiner.

REMARKS

Claims 1-26 remain in connection with the present application, with claims 1, 2, 25 and 26 being independent.

Information Disclosure Statement

Initially, Applicants wish to thank the Examiner for consideration of the documents submitted with the Information Disclosure Statements of April 9, 2002 and December 20, 2004.

Drawings

The Examiner has objected to figure 1, alleging that it should be labeled as "Prior Art". Accordingly, figure 1 has been labeled as "Prior Art" in order as to overcome the Examiner's objection. A replacement sheet of the drawings has been provided.

Claim Objections

The Examiner has objected to claims 4, 11, 14, 16-20 and 21-24 under 37 C.F.R. § 1.75(c) as allegedly being of improper dependent form for failing to have further limit the subject matter of a previous claim. These objections are respectfully traversed.

The requirements for 35 U.S.C. § 112, second paragraph are to particularly point out distinctly define the invention. The Examiner's focus should be on **clarity and precision (see MPEP 2173.02)**. As long as these

requirements are met, the Examiner should not try to substitute his/her belief that more suitable language or modes of expression exist.

Initially, with regard to claims 4, 11, 14 and 16, these claims state that a file, which is referenced in a previous claim, is an ASCII file. As other types of files could be utilized, the specific file mentioned in claims 4, 11, 14 and 16 further limits the claim. Thus, Applicants have met the requirement to particularly point out distinctly define the invention. As the claims further define what type of file must be used, they clearly limit the subject matter of a previous claim. Accordingly, they are proper subject matter for examination and thus the Examiner's objection should be withdrawn.

With regard to claims 17-20, these claims also add further limitation to the particular independent claims. They do not define a type of intended use, but instead specify that the elements generally indicated in one of independent claims 1 and 2, must be electrical elements, and that the characteristics, also generally identified in the independent claims, are at least one of electrical, electronic and electromechanical. This further defines the elements and the characteristics, and thus are proper dependent claims which further limit the subject matter of a previous claim. Thus, Applicants have met the requirement to particularly point out distinctly define the invention. Accordingly, withdrawal of the objection of claims 17-20 is also respectfully requested.

Finally, with regard to claims 21-24, whether the claims are written as a memory including a configuration tool of claim 1 or 2, a computer readable medium including the configuration of claim 1 or 2, or a configuration tool of claim 1 or 2 embodied in the memory or in a computer

readable medium, is irrelevant. The claims are still proper dependent claims, which further limit the subject matter of a previous claim. In particular, there is no requirement that the configuration tool of claims 1 and 2 be embodied in the memory or in a computer readable medium, but such a requirement is now set forth in various ones of claims 21-24. Thus, Applicants have met the requirement to particularly point out distinctly define the invention. As such, the claims are further limited and are not merely claims of improperly mixed statutory classes. Withdrawal of the objection is respectfully requested.

If the Examiner so desires, Applicants can change claims 21-24 to reference a memory or a computer readable medium comprising the configuration tool of claim 1 or 2. However, Applicants note that even if claims 21-24 are rewritten in a different form, they would still be maintained as dependent claims as they would be dependent upon one of claims 1 or 2 in connection with the present application. Withdrawal of the rejection is respectfully requested and/or further clarification from the Examiner, is respectfully requested.

Claim Interpretation

The Examiner has alleged that claims 17-20 recite examples of intended use and are therefore not accorded patentable weight. Applicants respectfully traverse this objection for the reasons set forth above. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 101

The Examiner has rejected claims 21-24 under 35 U.S.C. § 101, alleging that the claims recite a computer program product. This rejection is respectfully traversed.

Initially, Applicants note that claims 21-24 are dependent claims, dependent upon statutory claims 1 or 2. **Accordingly, a dependent claim cannot become non-statutory, if dependent upon a statutory claim.**

Further, the claims are not computer program product claims as set forth by the Examiner, but merely are dependent claims which further limit the independent claim by stating that the configuration tool is embodied in a memory or in a computer readable medium.

Again, if the Examiner so desires, these claims can be rewritten in a different form, albeit still dependent upon claim 1 or 2. Thus, withdrawal of the Examiner's rejection and further clarification by the Examiner, if necessary, is requested.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(e) as being clearly anticipated by Gilpin et al. (U.S. Patent No. 6,836,766 B1). In response to the Examiner's rejection, Applicants submit herewith a Declaration under 37 C.F.R. § 1.131 (including an invention disclosure document with dates redacted, attached thereto as Exhibit A and a certified English translation thereof, attached thereto as Exhibit B), indicating a date of invention of the claims of the present application which is prior to the January 31, 2001 filing date of the Gilpin et al. '766 patent. In addition to

the Declaration, Applicants further attach Exhibits C and D to the present Amendment, again with the dates redacted, to confirm that the invention disclosure submitted with the Declaration is the document from which the present U.S. application and original German application were drafted. Exhibit C is a computer record identifying the title and internal file number (2000E21593) of the disclosure document, and its assigned internal Siemens reference number of 200022751; and Exhibit D is a computer record identifying the Siemens reference number 200022751, and linking it to corresponding German application 10109540.6 and US serial number 10/084,153.

Accordingly, as the date of invention of the claims of the present application is prior to the January 31, 2001 filing date of the Gilpin et al. '766 patent, Applicants respectfully request withdrawal of the Examiner's rejection.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-26 in connection with the present application is earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number of the undersigned listed below.


Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a three (3) month extension of time for filing a response in

connection with the present application, and the required fee of \$1020.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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